

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CARL WHITEHEAD,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 09-220J
	)	District Judge Kim R. Gibson
GERALD ROZUM, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

The above captioned case was initiated on August 11, 2009 by the filing of a motion to proceed *in forma pauperis* and was referred to a United States magistrate judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the Local Rules of Court for Magistrate Judges.

On May 4, 2011, Defendants filed a Partial Motion to Dismiss (ECF No. 106). On November 15, 2011, the magistrate judge filed a Report and Recommendation (ECF No. 130) recommending that Defendants' Partial Motion to Dismiss be granted. Plaintiff was served with the Report and Recommendation at his listed address and was advised that he had until December 2, 2011 to file written objections to the Report and Recommendation. Plaintiff filed Objections to the Report and Recommendation on December 5, 2011 (ECF No. 135). Plaintiff's Objections do not undermine the recommendation of the Magistrate Judge.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, and the Objections thereto, the following order is entered:

**AND NOW**, this 6<sup>th</sup> day of December, 2011;

**IT IS HEREBY ORDERED** that Defendants' Partial Motion to Dismiss (ECF No. 106) is **GRANTED**.

**IT IS FURTHER ORDERED** that the Report and Recommendation (ECF No. 130) is **ADOPTED** as the Opinion of the Court.

**IT IS FURTHER ORDERED** that this matter is remanded back to the magistrate judge for all further pretrial proceedings.

By the Court:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

Kim R. Gibson  
United States District Judge

Carl Whitehead  
1439587  
Green Rock Correctional Center  
PO Box 1000  
Chatham, VA 24531